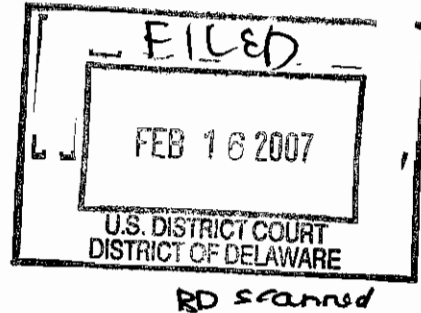


Mustafa A. Whitfield In The United States District Court
 Plaintiff For The District of Delaware
 V.

Wilmington Police Department
 Defendant

C.A.No. 06-541 GMS



Reply To The Wilmington Police
 Department's Answer to my motion
 to withdraw my complaint

1.) I am not afraid my complaint will be dismissed without prejudice. It has recently been brought to my attention that Officer David Prado orally informed Det. Stephen Misetic that he identified me as the suspect he saw fleeing because when I was stopped I was sweating and breathing heavily and I fit the description of the suspect. Misetic is now claiming that after initially saying officers David Prado and Matthew Derbyshire positively identified me as the suspect they positively identified because they saw me running away from the crime. Misetic changed the elements leading to the identification, thus I have to withdraw my complaint now to further investigate this new element. Maybe through a Franks Hearing. The initial affidavits have officers (David Prado and Matthew Derbyshire) positively identified me as a suspect they saw running with suspect number 1. According to Prado he couldn't tell the suspect's race, facial wise who it was and dark clothing and furthermore Prado testified that he saw us walking not fleeing. Derbyshire couldn't see the suspect's faces and called over a description of one black male in an all grey sweatshirt according to the dispatch tape which contradicts his testimony of seeing a black male in a grey sweatshirt and dark pants which wasn't directly what I had on but similar. He testified that he exited the vehicle alone while his partner went to stop Akeem Coleman, he noticed the other two suspects were far gone so he called over this description and went back to assist his partner with Coleman but located a handgun on the way back. But according to his report which he typed the night of the incident, he and David Prado stopped Akeem Coleman. Both of them could clearly see that he was sweating and had trouble breathing because he was running. Then he walked to where the other two suspects had jumped over the wall and located a handgun. First he types they both stopped Coleman but then testified just Prado, even though Prado testified they both stopped Coleman. Derbyshire testified that he ran to where the two jumped over the wall then called over a description of two black males, one in a grey sweatshirt and dark pants and the other wearing dark clothing, yet the tape has him calling over a routine stop "We have one stopped in the 500 block of West" then located the weapon and there is not a description of two black males, just one in a all grey sweatshirt. Obviously Derbyshire committed perjury. His testimony conflicts with his report and the tape, I need to put that in my complaint since the Police Department points to his testimony in its Answer yet didn't point how he typed something else in his report and it doesn't match the tape.

Again, I didn't know that Prado orally informed Dr. Stephen Misetic that he identified me because I was "sweating and breathing heavily" (Prado testified and typed in his report sweating and heart racing), I filed the complaint that Misetic lied that both officers said they saw me yet according to them, they didn't. And according to the dispatch tape, Prado when asked for a description said they (he and Derbyshire) saw from a distance and the suspects jumped over the wall. Why would Prado say that but then tell Misetic he saw us fleeing because we were sweating in 40 degree weather and fit the description of which he never saw, I have to withdraw my complaint and file for a Franks Hearing. Misetic had reckless disregard for the truth if the officer who couldn't see the suspects faces, faces and dark clothing from over a block away on a dimly lit street told him he identified me as a suspect fleeing because I was sweating and heart was racing" and fit this description of which nobody said I had on that. Misetic should have put it in his reports and affidavits instead "officers positively identified me as a suspect when neither officers saw the suspects faces. That information about Prado saying it was me because I was sweating was not what Prado testified to and not in his report, nor is it in Det. Misetic's reports (affidavits for probable cause) therefore it is new to me. According to Prado he only saw Robinson and I walking not running which is in his report that we were walking. I have to review the information and resubmit pending a Franks Hearing if deemed dead to investigate if Prado actually told Misetic that from the tape, his report and testimony he didn't, and Misetic had plenty of time to bring it to the court that he did.

2.) I never received these "notes" of the victims interview from the night of the crime. The victim (according to Misetic "notes") clearly states matching outfits dark clothing of grey shirt slim build white scarfs whole face except eyes. You don't see in the affidavit anything matching outfits, the above description is of two suspects, Misetic took the description of two suspects wearing the same thing and made it into two separate descriptions, furthermore if I fit the description of the suspect why wasn't my photo shown to the victim. Misetic could have I had on a grey sweater with cartoons in black and white covering the whole chest Misetic could have easily shown the victim obviously the victim never gave that description he didn't remember that at trial, he did say if it's there he must have said it, but he did remember seeing twins which Misetic left out.

3.) Everything is frivolous to Superior Court if you don't have an attorney and file your paperwork so-se in response to the Departments, I file frivolous motions, if you don't have an attorney you don't get play it's an unwritten rule that's why the Department won't even investigate when there's an obvious problem.

1.) I have to investigate Misetic's new claims. I have to speak to Prado to find out why he told the Wilmington Dispatch he ~~saw~~ was a distance, not put it in his report and testifying on stand that he didn't see the suspects, yet "orally" tell Misetic I was the one he saw, and find out why Misetic is just mentioning that.

Note: For the Record, included is a copy of the transcripts of the dispatch tape from the night of the crime. Matthew Derbyshire testified he exited the ~~the~~ vehicle and called over a description of two black males one in a grey sweatshirt and dark pants the other dark clothing, he turned to walk to his partner and found a weapon while walking to his partner and Coleman. Derbyshire typed that they both stopped Coleman and he walked to where the suspects jumped over the wall. You can read from the transcripts Derbyshire located the weapon after he called in the stop, then walked back to his partner with it. They stopped Coleman, he walked to the wall found the weapon and walked back, he never got out of the vehicle to chase anyone which calls into question where he really located this weapon. Also included is his report which clearly contradicts his testimony I would like to further investigate - would like to withdraw my complaint, if the court doesn't grant my motion I would like to amend it to include Dr. Misetic's, Derbyshire's and Prado's official statements to compare with other things.

Mustafa Whitfield

I, Mustafa Whitfield Certify that I sent a hand written copy the my motion to the Defendant Wilmington Police Department via United States Postal Service. Also I sent a copy to the U.S. District Court.

Mustafa Whitfield

2/13/07

① page 1

Transcript of Wilmington PD Dispatch Channel ~~A~~ another channel
October 14 2002 - October 15 2002

Derbyshire: 10-8, 17/Charles.
Wilcom: 23:49.
13/Charles: 13/Charles.
Wilcom: 10-3.
13/Charles: Unfounded 10-8.
11 Charles: 10-8, 11/Charles.
Wilcom: 23:50.
Derbyshire: 17/Charles.
Wilcom: 17/Charles.
Derbyshire: We have one stopped in the 500 Block of West.
Wilcom: 23:53, 16/David.
16/David: 16/David.
Wilcom: In 500 Block of Willing 500 Block of Willing coming in as shots fired.
Several calls coming in.
16/David: Copy.
Wilcom: 23:53.
10/David: If you don't have me, I am 10-8.
Wilcom: 23:54.
16/Charles: We're 10-1.
Prado: 17/Charles.
Wilcom: 10-3.
Prado: Did you come over and say you have reports?
Wilcom: Yes, 500 Block of Willing.
Prado: Okay, we have one stopped, we just recovered a weapon in the 500 Block of West. I am on foot looking for the other two.
Wilcom: Alright 16/David move into the area. Do you have a description 17/Charles?
Prado: We saw from a distance but they jumped over a fence in the rectory of St. Peter's Cathedral. I am on foot now.
Wilcom: Copy. 16/David copy.
16/David: Copy block out.
Wilcom: Units we have restriction on Channel "A" for shots fired. One recovered. We are on an area search for two outstanding.
Derbyshire: 17/Charles.
Wilcom: 10-3.
Derbyshire: One was a black male in an all grey sweatsuit. He jumped some fences and headed eastbound toward Orange.
Wilcom: Copy. Black male. Grey sweatsuit. Eastbound on Orange. Jumped through the fence.
Charles/2: Charles/2. No officers involved in that shooting correct?
Wilcom: 17/Charles.
Prado: Negative. We weren't involved in the shooting.

How do
we know
moved at
3:56 it doesn't
say.

Why didn't she
advise officers
what they were
looking for.

②

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Wilcom: Units on the area search. We have a possible victim of a Ida King.
Possible carjacking. Victim is supposed to be at 514 Washington, 514
Washington outside, possibly shot in the foot.

Prado: 17/Charles.

Wilcom: 10-3

Prado: We have two stopped in the two hundred block of Tatnall. Can you have
my partner respond to the location with that one?

Wilcom: Officer Derbyshire.

Derbyshire: Copy, 200 Block of Tatnall.

10/David: 10/David, I am in the area.

Wilcom: 23:58.

Wilcom: 10/David, Can you respond to the 500 Block of Washington, 500 Block of
Washington, possibly 514, see if you can locate the victim, supposed to be
outside has a foot wound, shot in the leg.

10/David: Give me a 10-2.

Wilcom: 23:58.

Page: 2 Report Date: 10/15/2002 Location: Wilmington PD File #: 30-02-106295

Crimes and Associated Information

Burglary Force Involved <input type="checkbox"/> Yes <input type="checkbox"/> No	Weapon/Force Used Automatic Handgun
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Victim - Suspect/Defendant Relationships

Victim - 001 MEEK, ANTHONY	Suspect/Defendant - 001 COLEMAN, AKEEM	Victim Offender Relationship Stranger
Victim - 001 MEEK, ANTHONY	Suspect/Defendant - 002 WHITFIELD, MUSTAFA	Victim Offender Relationship Stranger
Victim - 001 MEEK, ANTHONY	Suspect/Defendant - 003 ROBINSON, EMMANUEL	Victim Offender Relationship Stranger

Witness Information

Sequence 001	Type Witness	Name FAILEY, FRANCISCO	Sex [REDACTED]	Race [REDACTED]	Age [REDACTED]	DOB [REDACTED]
Address [REDACTED]		Home Telephone [REDACTED]	Employer/School [REDACTED]		Work Telephone [REDACTED]	

Investigative Narrative

17C (DERBYSHIRE/PRADO) WERE ON ROUTINE PATROL IN OUR MARKED PATROL VEHICLE AS WE WERE STOPPED AT A RED LIGHT AT THE INTERSECTION OF 4TH AND WEST STS. AS WE WERE SITTING AT THE RED LIGHT WE OBSERVED THREE BLACK MALES RUNNING EAST BOUND ON W. 5TH ST. AND THEN NORTHBOUND ON WEST STREET. UPON THESE OFFICERS OBSERVING THE THREE BLACK MALES WEARING DARK CLOTHING RUNNING NORTHBOUND IN THE 500 BLK. OF WEST ST. WE OBSERVED TWO OF THEM ATTEMPTING TO JUMP OVER A FENCE ON THE EAST SIDE OF THE STREET AFTER THEY OBSERVED THESE OFFICERS QUICKLY APPROACH THEIR LOCATION IN OUR MARKED PATROL VEHICLE. ONE OF THE SUSPECTS WAS WEARING A GRAY SWEATSHIRT AND DARK PANTS AND THE OTHER WAS WEARING DARK CLOTHING AS WELL. BOTH SUSPECTS JUMPED THE FENCE OVER THE FENCE BEFORE THESE OFFICERS COULD STOP THEM. THEY WERE LAST SEEN RUNNING EASTBOUND TOWARDS TATNALL ST. SUSPECT-1 (COLEMAN, AKEEM DOB 02/17/86) CONTINUED TO RUN NORTHBOUND ON WEST ST. BEFORE THESE OFFICERS STOPPED HIM IN THE 500 BLK. OF WEST ST. HE WAS WEARING A WHITE T-SHIRT AND DARK PANTS. UPON THESE OFFICERS STOPPING (COLEMAN) WE COULD CLEARLY OBSERVE THAT HE WAS SWEATING AND HE HAD TROUBLE TALKING BECAUSE HE WAS OUT OF BREATH FROM RUNNING. IT SHOULD BE KNOWN THAT THE TEMPERATURE WAS APPROX. 40 DEGREES AT THE TIME (COLEMAN) WAS STOPPED. IS OFFICER THEN WALKED OVER TO THE SIDEWALK IN THE 500 BLK. OF WEST ST (EAST SIDE OF STREET) WHERE I LAST SAW THE BLACK MALE IN THE GRAY SWEAT SHIRT JUMP OVER THE AFOREMENTIONED FENCE. I OBSERVED A BLACK HAND GUN WHICH WAS LAYING ON THE EASTERN MOST SIDEWALK IN THE 500 BLK. OF WEST ST. IMMEDIATELY AFTER FINDING THE HANDGUN THIS OFFICER NOTIFIED OFFICER PRADO AT WHICH POINT HE PLACED (COLEMAN) INTO CUSTODY WITHOUT INCIDENT. UPON PLACING THE SUSPECT INTO CUSTODY THESE OFFICERS COULD FEEL THAT HIS HEART WAS BEATING AT AN ACCELERATED RATE. WE ASKED (COLEMAN) WHY HE WAS RUNNING WITH THE OTHER TWO SUBJECTS AT WHICH POINT HE ADVISED THAT HE DID NOT KNOW THEM AND THEY TRIED TO ROB HIM. (COLEMAN) OBSERVED THAT THESE OFFICER HAD LOCATED A HAND GUN AT WHICH POINT HE STATED "THAT'S NOT MY GUN, I'M AFRAID OF GUNS, MY BROTHER WAS KILLED BY A GUN."

ASSISTING UNITS LOCATED SUSPECT-2 (WHITFIELD, MUSTAFA DOB 05/10/85) AND SUSPECT-3 (ROBINSON, EMMANUEL DOB 03/12/85) AS THEY WERE WALKING IN THE 200 BLK. OF W. 4TH ST. BOTH (WHITFIELD) AND (ROBINSON) WERE ALSO SWEATING AND BREATHING VERY QUICKLY AS IF BOTH HAD BEEN RUNNING. ALL THREE SUSPECTS WERE PLACED INTO CUSTODY WITHOUT INCIDENT AND TRANSPORTED TO CENTRAL BY THIS UNIT AND 30 CHARLES (DRAPER).

16 David Trickey

THESE OFFICERS STOPPED THE SUSPECTS AT 2352 HRS. WILCOM THEN DISPATCHED 16 DAVID (WALKER) TO THE 500 BLK OF WILLING ST. IN REFERENCE TO A POSSIBLE SHOOTING WITH AN INJURED VICTIM AT 2353 HRS. (WALKER) DID LOCATE THE VICTIM (MEEK, ANTHONY [REDACTED]) IN THE 500 BLK. OF WILLING ST. ON THE EAST SIDE OF THE STREET. (MEEK) HAD A GUNSHOT ENTRANCE WOUND ON HIS LEFT FOOT AS HE WAS TRANSPORTED TO THE CHRISTIANA HOSPITAL VIA AMBULANCE. HE WAS ADMITTED BY HOSPITAL STAFF AND WAS IN THE PROCESS OF BEING INTERVIEWED BY DETECTIVES AT THE TIME OF THIS WRITING. THESE OFFICERS NEVER SPOKE WITH (MEEK). EDU WAS NOTIFIED AND RESPONDED TO THE 500 BLK. OF WILLING ST. TO PROCESS THE SCENE WHICH HAD BEEN SECURED BY 18 CHARLES (HAMMOND/WHITEHEAD). E ALSO RESPONDED TO THE CHRISTIANA HOSPITAL FOR THE VICTIM.

IM Mustafa Whitfield
SBI# 377479 UNIT 17
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977



U.S. District Court
844 N. King Street Lockbox 18
Wilm, DE 19801

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